

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES RAY HICKS,
Petitioner,

V.

JOHN E. WETZEL, Secretary,
Pennsylvania Department of Corrections;
ROBERT GILMORE, Superintendent of
the State Correctional Institution at Greene;
and MARK GARMAN, Superintendent of
the State Correctional Institution at
Rockview,
Respondents.

No. 1:17-CV-1969

(Chief Judge Conner)

THIS IS A CAPITAL CASE

**PETITIONER’S BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE PETITION FOR
A WRIT OF HABEAS CORPUS IN EXCESS OF THE PAGE LIMIT**

Petitioner, Charles Ray Hicks, through undersigned counsel, respectfully submits this Brief in Support of Motion for Leave to File Petition for Writ of Habeas Corpus in Excess of the Page Limit.

Petitioner is a death-sentenced prisoner seeking habeas corpus relief. His Petition for a Writ of Habeas Corpus is 396 pages. Local Civil Rule 83.32.2(D) provides that the petition for habeas corpus and a memorandum of law together should not exceed 100 pages, but that the page limit may be extended “for good cause shown.” *Id.* §(H).

Here, “good cause” is established by the number of claims for relief; the need to discuss in detail the factual and legal bases supporting each claim; and in light of the grave consequences involved in this capital case.

The issues in a death penalty case are numerous and complicated, and Mr. Hicks’ case is no exception. “Death, in its finality, differs more from life imprisonment than a 100-year prison term differs from one of only a day to two. Because of this qualitative difference, there is a corresponding difference in the need for reliability in the determination that death is the appropriate punishment.” *Woodson v. North Carolina*, 428 U.S. 280, 305 (1976).

Courts in this district have routinely granted leave to file pleadings in excess of the page limitation in capital habeas corpus cases. *See, e.g., Woodard v. Wetzel*, 3:16-cv-2262, Order (M.D. Pa. October 20, 2017) (Mannion, J.) (282 page petition); *Blakeney v. Beard*, 3:09-cv-00343, Order (M.D. Pa. November 18, 2015) (Mariani, J.) (250 page petition); *Mattison v. Wetzel*, 1:14-cv-02042, Order (M.D. Pa. October 2, 2015) (Kane, J.) (325 page petition); *Parrish v. Wetzel*, 1:14-cv-00966, Order (M.D. Pa. May 28, 2015) (Conner, C.J.) (357 page petition); *Spotz v. Wetzel*, 3:02-cv-614, Order (M.D. Pa. February 19, 2015) (Munley, J.) (341-page memorandum of law); *Spotz v. Wetzel*, 3:06-cv-955 (M.D. Pa. November 12, 2014) (Munley, J.) (273-page memorandum of law); *Spotz v. Wetzel*, 1:12-cv-01327 (August 25, 2014) (520-page supplemental and amended habeas petition).

Counsel have endeavored to concisely present Petitioner's arguments, and requests this length extension in order to allow proper discussion of Petitioner's claims.

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant his Motion for Leave to File Petition for a Writ of Habeas Corpus in Excess of the Page Limits.

Respectfully submitted,

s/Kelly D. Miller
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Dated: February 1, 2019

CERTIFICATE OF SERVICE

I, Kelly D. Miller, hereby certify that on this date I caused the foregoing document to be served on the following person at the location and in the manner indicated below, which satisfies the requirements of the Federal Rules of Civil Procedure:

VIA FIRST-CLASS MAIL

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